

# From Ancient Rome... to Arizona



How the Public Trust Doctrine Shapes  
Modern Wildlife Conservation

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January 19, 2013



# Today's Questions

- What is the Public Trust Doctrine and where it come from?
- How did the doctrine shape the North American Model of wildlife conservation?
- What role can the HAHWG play?
- Why does this matter to you?

# The Essence of the Public Trust Doctrine



Certain natural resources – air, water, submerged lands, fish and wildlife – are held in “trust” by the government for the benefit of the public.



# Origins of the Public Trust Doctrine

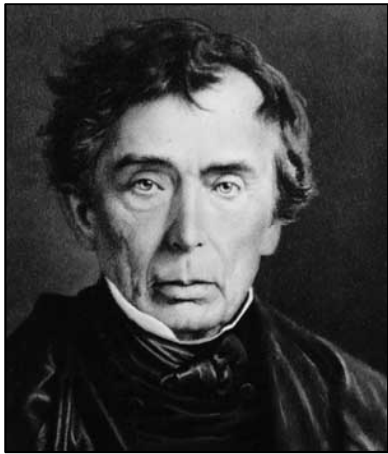
*"By the law of nature these things are common to all mankind: the air, running water, the sea, and consequently the shores of the sea"*



From *The Justinian Institutes*, AD 529



# Supreme Court Rulings on the Public Trust Doctrine in the U.S.



Justice Taney

**"...dominion and property in navigable waters, and in the lands underneath them [were] held by the King as a public trust..."**

**"...when the people of New Jersey took possession of the reins of government...the prerogatives and regalities which before belonged either to the crown or the parliament became immediately and rightfully vested in the state..."**

Martin v. Waddell, 41 U.S. 16 Pet. 367 367 (1842)

# Supreme Court Rulings on the Public Trust Doctrine in the U.S.



Justice White

**"The adjudicated cases recognizing the right of the states to control and regulate the common property in game are numerous."**

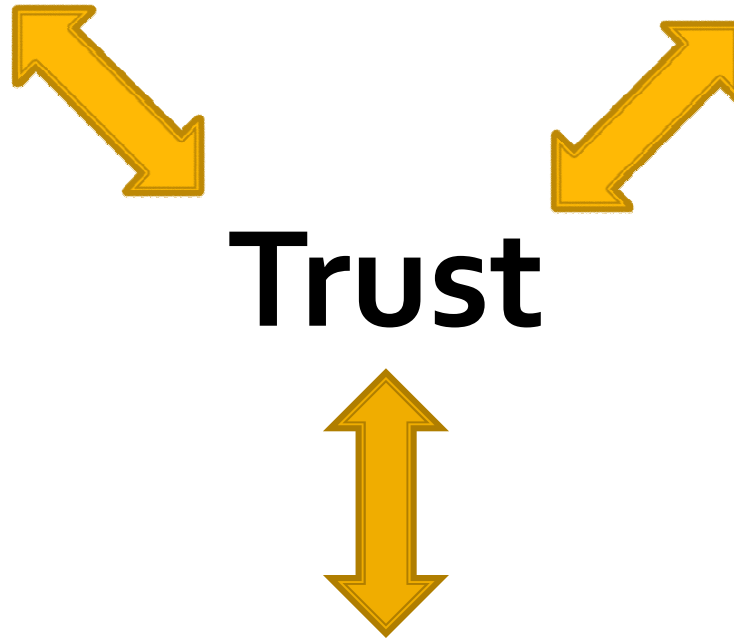
**"...the power or control lodged in the state... is to be exercised, like all other powers of government, as a trust for the benefit of the people..."**

Geer v. Connecticut, 161 U.S. 519  
(1896)

# Elements of a Trust

Assets

Trustees



Trust

Beneficiaries

# What Are The Assets?



# Who Are the Trustees?



Legislature

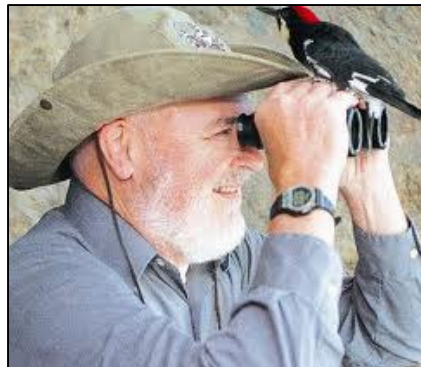


Governor



Commission

# Who Are the Beneficiaries?



...in short...everyone.

# How the Doctrine Shapes the North American Model

## Tenets of the North American Model:

- Wildlife as a public trust resource
- Restriction of markets in wildlife
- Democracy of hunting
- Allocation of wildlife by law
- Taking only for legitimate purposes
- Science as the basis for decision-making
- Wildlife as international resource

# Restriction of markets in wildlife



## WESTERN SPIRIT SHOOTING PRESERVES



8 PHEASANT HUNT FOR TWO PEOPLE AT THE  
SHOSHONE PRESERVE  
[WWW.WESTERNSPIRITINC.COM](http://WWW.WESTERNSPIRITINC.COM)

# Democracy of hunting & fishing



ARIZONA BIG GAME DRAW

WELCOME to the Arizona Game and Fish Department's Online Hunt Draw system. This site, open for a Hunt, allows you to purchase hunt money, which is applied to draw applications during the application process. You will be able to join any hunt money drawing, however, immediate from your computer once your purchase is complete.

**PLEASE NOTE:**

- 1. Once you click "Apply for a Hunt" you will have 45 minutes to complete your application.
- 2. At time of application you will have to pay a non-refundable application fee of \$15.00 per application, along with any necessary license fees (if applicable). You will also be required to stay for the hunt (minimum 2 days).
- 3. You must have a working credit card in order to join your hunt.
- 4. Payment plans have been reported using Microsoft Internet Explorer version 6. If you are using Microsoft IE 6, you should first upgrade to Microsoft IE 8, then return to this page to begin your application.
- 5. Only the following Credit Cards will be accepted:
  - Visa
  - MasterCard
- 6. If for any reason your credit card payment would prior to the date, you must use the option below "update my payment information" to update your information and return to the computer for the draw. Failure to make a valid payment plan number on file at the time of the drawing will result in your application being rejected regardless of payment method.
- 7. For information on the Arizona Game and Fish Department and current regulations see below:
  - [www.azgfd.com](http://www.azgfd.com)
  - [www.azgfd.com](http://www.azgfd.com)
- 8. If you experience a problem with your hunting license, you will be able to re-join your hunt on the [www.azgfd.com](http://www.azgfd.com) page.

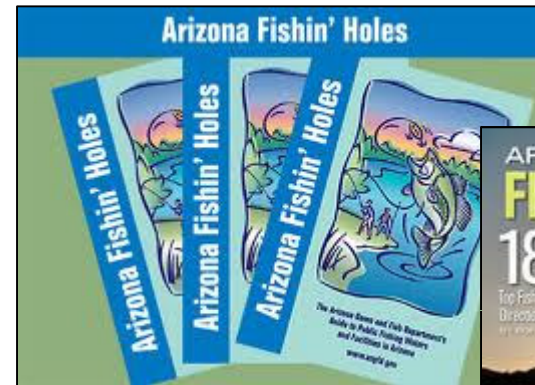
Please choose an option below to continue:

[APPLY FOR A HUNT](#)

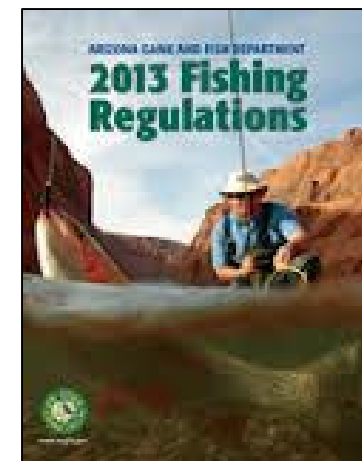
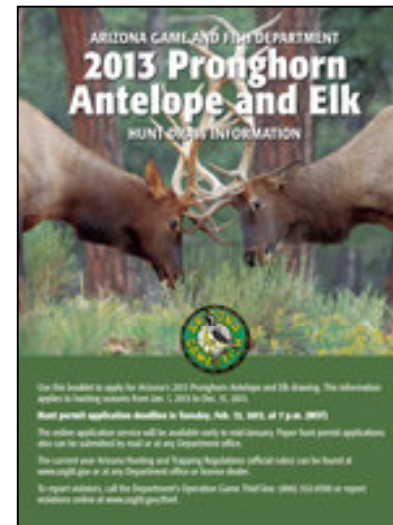
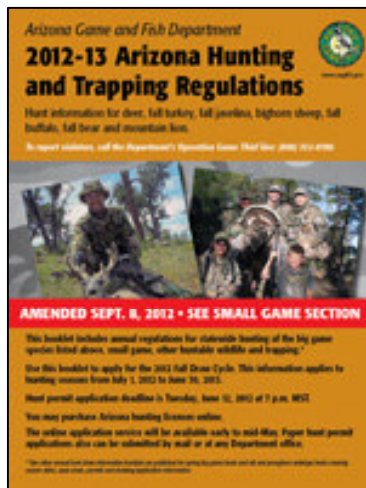
[VIEW RESULTS AND BONUS POINTS](#)

[UPDATE MY PAYMENT INFORMATION](#)

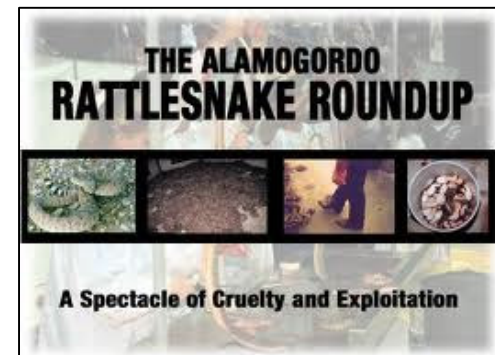
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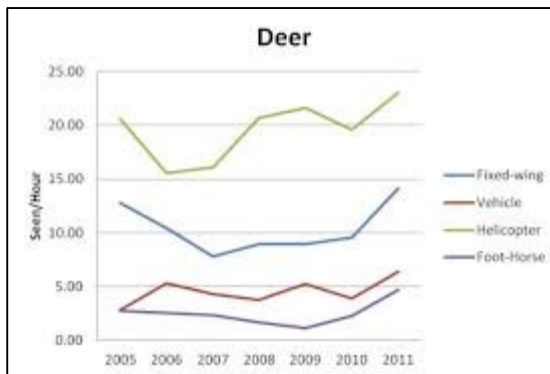
# Allocation by law



# Taking only for legitimate purposes



# Science as the basis for decision-making



# Wildlife as an international resource



# How Does the Public Influence Management of the Trust?



Participating in government decision-making



Exercising the right to vote



Litigation

# The Role of the HAHWG

- Help the Trustees and Trust Managers by:
  - Participating in governance
  - Participating in management
- Help Arizona citizens understand:
  - The value of Arizona's wildlife resource
  - Their opportunities to enjoy fish and wildlife
  - Their responsibilities for conservation

# Why Does This Matter?

Maintaining your heritage and opportunities...



...Passing on values



# The “Trust” is in the Public’s Hands



Thank you!